

SUBSIDIARY LEGISLATION 499.26**MARITIME PILOTAGE REGULATIONS**

1st March, 2003

LEGAL NOTICE 96 of 2003, as amended by Legal Notices 240 of 2004, 425 of 2007, 19 and 35 of 2008, and 367 of 2009; Act XV of 2009; and Legal Notices 99 of 2010, 494 of 2011, 301 of 2012, 201 of 2015 and 120 of 2016 and 334 of 2019 and Act XXI of 2020.

Preliminary

1. The title of these regulations is the Maritime Pilotage Regulations. Citation.

2. These regulations, the Pilotage Agreement and the Code of Conduct referred to in regulations 6 and 25 shall regulate the provision of pilotage services within the ports of Malta in accordance with the Act. Scope.

3. In these regulations, unless the context otherwise requires - Interpretation.
"Act" means the Authority for Transport in Malta Act; Amended by:
"Authority" means the Authority for Transport in Malta as L.N. 19 of 2008;
established by the Act; L.N. 367 of 2009;
XV. 2009.49.
Cap. 499.

"Board" means the Pilotage Board established by regulation 38;

"Chief Pilot" and "Deputy Chief Pilot" means those pilots elected in accordance with and for the purpose of regulation 18;

"compulsory pilotage port" means a port declared as such in Part III of the First Schedule to the Ports and Shipping Act; Cap. 352.

"high speed craft" means a ship which complies with the provisions of the International Code of Safety for High Speed Craft (HSC Code) as per IMO Resolution MSC 36(63);

"length overall (LOA)" means the overall length of the vessel from the foreside of the foremost fixed permanent structure to the afterside of the aftermost fixed permanent structure of the vessel;

"Minister" means the Minister responsible for ports and shipping;

"pilot" means a person holding a licence granted by the Authority in terms of regulation 7 to pilot ships and it shall also include the Chief Pilot and the Deputy Chief Pilot;

"pilot launch" means a boat or ship employed in the rendering of pilotage services;

"pilotage agreement" has the meaning assigned to it in regulations 4 and 6;

"pilot launch dues" shall be the amount payable by the ship for the provision of the pilot launch;

"pilotage fee" shall be the fee charged by the service provider for the provision of the pilotage service in accordance with these regulations and the Agreement referred to in regulation 6;

"pilotage service" means the act, carried out by a licensed pilot, of assisting the master of a ship in navigation and manoeuvring when entering, leaving or shifting in a port or the approaches thereto, and includes the provision of the pilot launch;

"pilotage tariff" shall be the whole amount due by the ship for the provision of the pilotage service as specified in the Schedule, and shall include the pilotage fee due to the service provider, the social contributions due in accordance with regulation 34 and other fees as may be charged by the Authority in connection with pilotage on the order of the Minister;

"port" shall have the same meaning as that assigned to it in the Act;

"scheduled service" means a series of ship crossings operated so as to serve traffic between two or more ports, either according to a published timetable or with crossings so regular or frequent that they constitute a recognisable systematic series;

"senior pilot" means a Class 1 pilot who is authorized by the Authority to perform all pilotage services without limitations relating to particular ships, ports or parts thereof;

"service provider" means that association, co-operative society or company made up of a group of pilots licensed according to these regulations, whose number is equal to that required for the provision of pilotage services according to regulation 4(2):

Provided that if the number of persons licensed to provide pilotage services under these regulations falls below that required under the said regulation 4(2), the group shall consist of such number of licensed pilots;

"ship" shall have the same meaning as that assigned to it in the Act;

"technical committee" means a committee made up of representatives of the Authority and of the service provider, the precise composition and functions of which shall be determined by the pilotage agreement.

Pilotage

Organization of pilotage.

- 4.(1) (a) Subject to the provisions of the Act, the Authority shall organize and ensure the provision of pilotage services in the ports by entering into a pilotage agreement in terms of regulation 6(1) with a service provider.
- (b) If a service provider fails to provide the pilotage service in accordance with these regulations and with the pilotage agreement, in cases of emergency the Authority may seek to engage competent persons so as to ensure the proper running of the pilotage service.
- (c) Prior to entering into an agreement with a service provider, the Authority shall ensure that the structure of the entity is such as to allow for the adequate provision of pilotage services in accordance with these regulations and the pilotage agreement.

(2) The Authority shall establish, in accordance with the pilotage agreement, the number of licensed pilots required for the provision of pilotage services at any one time taking into account market considerations and the efficacy of the service to be provided.

(3) Pilotage shall be under the supervision and regulation of the Authority.

4A. (1) The ports specified in Part III of the Schedule to the Ports and Shipping Act shall be compulsory pilotage ports and all ships, other than ships excepted under sub-regulation (2), shall, while navigating within the limits of a compulsory pilotage port, whether by entering, leaving, anchoring or moving, be under the direction of a pilot:

Compulsory
pilotage.
Added by:
L.N. 367 of 2009.
Cap. 352.

Provided that where an excepted ship -

- (a) has not taken a berth assigned to her by the Authority and, in the opinion of the Authority, is foul or is likely to foul any mark, buoy or some other ship due to any cause whatsoever; or
- (b) has anchored in the fairway of any port,

then, without prejudice to any criminal proceedings that may be taken against the master of such ship, the Authority may direct that such ship be moored or re-moored under the direction of a pilot:

Provided further that even in the case of excepted ships the Authority may direct that their navigation within the limits of a compulsory pilotage port, whether entering, leaving, anchoring or moving, shall be carried out under the direction of a pilot.

(2) For the purposes of this regulation, the following ships shall be excepted ships:

- (a) ships owned or operated by the Government of Malta;
- (b) men-of-war of a foreign power;
- (c) ships of less than 500 gross tons calculated in accordance with the rules for the time being in force for the measurement of ships under the Merchant Shipping Act;
- (d) fishing vessels;
- (e) yachts;
- (f) ships, including tugs, dredgers, barges and other types of vessels, whose ordinary course of navigation and trade does not extend beyond the limits of the territorial waters of Malta; and
- (g) high speed craft calling in Malta on a scheduled service and whose master complies with qualifications and standards developed by the Authority from time to time.

Cap. 234.

(3) The Authority may exempt any ship from compulsory pilotage where ships are unable to obtain the services of a pilot due to bad weather or in any other particular case.

(4) Without prejudice to the provisions of sub-regulation (2), ships carrying dangerous goods, disabled ships and tug and tow combinations may be required by the Authority to engage the services of a pilot.

(5) Where any port is a compulsory pilotage port, the Minister may by order define the limits of such port for the purposes of compulsory pilotage.

Function of the pilot.

5. (1) The function of a pilot on board a ship is to provide information and advice to the master of the ship, as well as to assist the master and the ship's navigating officers to make safe passage through the pilotage area or areas for which the pilot is engaged.

(2) Despite the presence of a pilot on a ship, the master of the ship continues to be responsible for the conduct and navigation of the ship in all respects.

Pilotage agreement.
Amended by:
L.N. 19 of 2008.

6. (1) The Authority shall enter into a pilotage agreement with the service provider.

(2) The pilotage agreement shall include provisions regarding the provision of pilotage services in the ports and their approaches together with the management and operation of pilot launches in these ports.

(3) There shall be a Code of Conduct annexed to the pilotage agreement outlining standards that the pilots are to adopt and procedures that they are to follow in the provision of pilotage services. The Code of Conduct shall form an integral part of the pilotage agreement.

Pilots' licences.
Amended by:
L.N. 367 of 2009.

7. (1) Subject to the provisions of these regulations, the Authority may grant licenses to persons to act as pilots.

(2) No person shall be licensed as a pilot unless he has:

- (a) passed such qualifying examinations as may be prescribed;
- (b) been licensed as a trainee pilot as prescribed in these regulations;
- (c) obtained such practical experience in the pilotage of ships during the period referred to in paragraph (b);
- (d) had his licence confirmed by the Authority; and
- (e) satisfied such other conditions as may from time to time be prescribed.

(3) The licence issued to a pilot shall indicate the limits within which the licensee is qualified to act.

(4) Notwithstanding the provisions of this regulation, the Authority may, if it considers expedient, authorise any person to pilot a ship in a port subject to such terms and conditions as it deems fit.

(5) The person in whose favour a licence is issued must pay to the Authority a fee as is established from time to time by the Authority.

(6) Such licence may be revoked by the Authority in terms of these regulations.

(7) Subject to the provisions of the Act, when issuing a licence under these regulations, the Authority may attach such conditions to the licence as specified in regulation 13.

8. (1) The licence issued to a pilot shall be automatically cancelled by the Authority when the pilot retires on reaching the retiring age that may from time to time be prescribed, or if such pilot is found by a Medical Board appointed by the Authority to be physically unfit to carry out his duties.

Suspension and revocation of pilots' licences.
Substituted by:
L.N. 367 of 2009.

(2) The Authority may also suspend or revoke the licence issued to a pilot as a consequence of the award by a Disciplinary Committee of a punishment consisting in the suspension or revocation of the licence, or if the pilot absents himself from duty for a period exceeding one year. Such licence, if so revoked, shall cease to have effect from the date when such decision is taken by the Authority and, if so suspended, it shall cease to have effect for the period for which it is suspended.

(3) Subject to any condition which the Disciplinary Committee may make, the Authority may re-issue a licence to a pilot whose licence has been revoked under sub-regulation (2).

(4) A licence issued to pilot shall be surrendered to the Authority whenever it is for any reason cancelled, suspended or revoked. In such cases, the licence shall be returned to the Authority within twenty-four hours.

(5) A person whose licence has been cancelled, suspended or revoked shall have a right to appeal to the Board from the decision of the Authority or of the Disciplinary Committee by application within fifteen days of the notification to him of the decision.

9. (1) No person shall be licensed to serve as a pilot unless such person -

- (a) *(deleted by Legal Notice 240 of 2004)*;
- (b) is not less than twenty-three years of age and not over forty years of age on the closing date for the submission of applications;
- (c) produces satisfactory evidence of good character and sobriety of conduct;
- (d) has been declared to be physically and mentally fit to serve as a pilot by a medical board appointed by the Authority and in accordance with appropriate standards of medical fitness established by the Authority to ensure that a pilot does not have a condition that could jeopardize or hinder the safe conduct of pilotage operations;
- (e) possesses one of the following qualifications in the following order of priority:

Requisites and qualifications for the grant of a licence.
Amended by:
L.N. 240 of 2004;
L.N. 367 of 2009.

- S.L. 234.17
- (i) a certificate of competency of Master of a ship of 3000 GT or more without limitations (STCW Regulation II/2) issued by the Authority in terms of the Merchant Shipping (Training and Certification) Regulations, as amended;
- (ii) an equivalent certificate to (i) issued by the relevant Authority of a flag state that is party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended;
- S.L. 234.17
- (iii) a certificate of competency of Chief Mate of a ship of 3000 GT or more without limitations (STCW Regulation II/2) issued by the Authority in terms of the Merchant Shipping (Training and Certification) Regulations, as amended;
- (iv) an equivalent certificate to (iii) issued by the relevant Authority of a flag state that is party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended;
- Cap. 234.
- (v) a certificate of competency for grades not lower than officer in charge of a Navigational Watch of an ocean going ship issued in accordance with the provisions of the Merchant Shipping Act or an equivalent certificate issued by a foreign competent authority acceptable to the Authority;
- S.L. 499.23
- (vi) a certificate of competency of commercial vessel master issued by the Authority in terms of the Commercial Vessels Regulations, as amended.
- (f) produces satisfactory evidence that he has served as an officer for not less than three years on ships of 2000 gross tons and over;
- (g) has passed the appropriate examination prescribed in regulation 10;
- (h) is able to read, write and speak Maltese and English fluently;
- (i) has served as a trainee pilot in accordance with the provisions of these regulations.

(2) No person shall be licensed to serve as a pilot if he has been found guilty of any criminal offence which in the opinion of the Authority is deemed to be detrimental to the provision of pilotage services as a whole.

Examination.
Amended by:
L.N. 240 of 2004;
L.N. 367 of 2009.

10. (1) A person wishing to obtain a pilot's licence must first obtain a licence to serve as a trainee pilot. Before a licence is granted to a candidate to serve as a trainee pilot the Authority and the Board shall be satisfied that such candidate -

- (a) satisfies the provisions of regulations 9(1)(b) to (h) and 9(2);
- (b) has passed, to the satisfaction of the panel of

examiners appointed by the Board from the technical committee, a written and, or oral examination based on a syllabus which is published from time to time by the Authority.

(2) Before sitting for the aforementioned examination, each candidate shall pay the Authority a fee established from time to time by the Authority.

(3) When in the case that more candidates than the number of applicants needed to fill the vacancy or vacancies are successful in the examination, which would be of a qualifying nature, the order of merit which would thereafter determine the placement of candidates would be established by the Board on the advice of the panel of examiners.

(4) The Board shall give preference to those successful candidates who hold superior qualifications and who have the most practical experience. To this effect, the Board shall issue its first call for applications for those persons who are qualified in terms of regulation 9(1)(e)(i) to (iv):

Provided that if none of the candidates is found to comply with the necessary requirements, a second call for applications may be issued to include also persons with qualifications in terms of regulation 9(1)(e)(v) and (vi).

11. (1) When a candidate satisfies the requirements of regulation 10, the Authority, on the advice of the Board, may issue to such candidate a licence to serve as a trainee pilot subject to such conditions as the Authority, on the advice of the Board, may deem fit.

Licence to serve as trainee pilot.

(2) A licence issued in terms of subregulation (1) shall, unless previously revoked, remain valid for a period of six months from the date of issue, during which time the licensee shall be deemed to be a trainee pilot.

(3) The trainee pilot shall be remunerated during his traineeship by the service provider.

12. (1) In order to qualify for a licence to serve as a pilot, a trainee pilot shall, not earlier than the fourth month and not later than the sixth month from the date of issue of the trainee licence, satisfy the Authority:

Licence to serve as pilot.

- (a) that he has accompanied a licensed pilot on not less than four hundred pilotage operations on board ships, while such ships were entering or leaving the compulsory pilotage ports, of which one hundred must be done during the night and one hundred must be inward bound;
- (b) that the trainee has all such moves referred to in paragraph (a) recorded in a special log book kept for this purpose in which shall be recorded the ship, date, nature of move and countersigned by the accompanied pilot. Each log sheet is to be countersigned by the Chief Pilot at the end of the traineeship;

- (c) that he has acquired necessary knowledge of the relevant legislation and pilotage practice and operations, particularly in so far as these regulations refer to the report, movement and berthing of ships;
- (d) that he has detailed knowledge of the information that should be passed to the Master of the ship as well as detailed knowledge of the information that should be received from such Master.

(2) A trainee pilot who fails to satisfy the provisions prescribed in subregulation (1) may be allowed to undergo further training for a period not exceeding six months.

(3) A trainee pilot who satisfies the requirements prescribed in subregulation (1) shall be issued a licence to serve as a pilot, by the Authority.

(4) A licence issued in terms of subregulation (3) shall be automatically revoked if within fifteen days from its date of issue the pilot has not become a member of the service provider.

(5) The service provider is obliged to accept as a member a pilot as soon as he has obtained his licence.

Classes of pilots.
Substituted by:
L.N. 367 of 2009.

13. (1) Pilots shall be divided into the following classes:

- (a) Class 1 Pilots: Pilots licensed to pilot any ship;
- (b) Class 2 Pilots: Pilots licensed to pilot ships up to 300 metres LOA;
- (c) Class 3 Pilots: Pilots licensed to pilot ships up to 250 metres LOA;
- (d) Class 4 Pilots: Pilots licensed to pilot ships up to 200 metres LOA;
- (e) Class 5 Pilots: Pilots licensed to pilot ships up to 170 metres LOA; and
- (f) Class 6 Pilots: Pilots licensed to pilot ships up to 140 metres LOA.

(2) Prior to his application to the Authority for classification as a Class 5 pilot, a Class 6 pilot must have first served for at least ten months as a Class 6 pilot and must have accompanied a pilot for at least 100 moves (25 of which must be during the night) on ships over 140 metres LOA.

(3) Prior to his application to the Authority for classification as a Class 4 pilot, a Class 5 pilot must have served for at least ten months as a Class 5 pilot and accompanied a pilot for at least 50 moves (13 of which must be during the night) on ships over 170 metres LOA.

(4) Prior to his application to the Authority for classification as a Class 3 pilot, a Class 4 pilot must have served for at least ten months as a Class 4 pilot and accompanied a pilot for at least 30 moves (10 of which must be during the night) on ships over 200 metres LOA.

(5) Prior to his application to the Authority for classification as

a Class 2 pilot, a Class 3 pilot must have served for at least ten months as a Class 3 pilot and accompanied a pilot for at least 15 moves (5 of which must be during the night) on ships over 250 metres LOA.

(6) Prior to his application to the Authority for classification as a Class 1 pilot, a Class 2 pilot must have served for at least ten months as a Class 2 pilot.

(7) The moves referred to in sub-regulations (2) to (6) must be recorded in a special logbook kept for this purpose indicating the ship particulars, date, and nature of move. Each entry shall be countersigned by the accompanied pilot and Chief Pilot.

(8) The pilot who is to have his licence upgraded can present proof of his training by the ninth month so that his application can be processed by the Authority in time to upgrade his licence when due.

(9) The application of a pilot to the Authority requesting a licence upgrade shall be accompanied by a copy of the recorded moves referred to in sub-regulation (7).

(10) Once an application for an upgrade accompanied by the records referred to in sub-regulation (7) has been presented by the pilot to the Authority, the Authority shall issue the upgrade unless such pilot has, during the previous ten months, been found negligent in the conduct of his duties by the Disciplinary Committee appointed by the Board.

(11) In the cases referred to in sub-regulation (10), where a Disciplinary Committee finds a pilot negligent in the conduct of his duties the Authority will determine that period of time, which shall not be longer than a further ten months, during which the pilot concerned must continue to operate in the Class from which he is applying for an upgrade before such pilot is able to re-apply for such upgrade.

(12) If a pilot fails to upgrade his licence as specified in sub-regulations (2) to (6) for each category within a period not exceeding eighteen months, his licence may be revoked:

Provided that the pilot shall have a right of appeal in terms of regulation 8(5).

(13) Under no circumstances, except as stated in sub-regulation (14) and except when accompanying a pilot for the purposes of sub-regulations (2) to (6), may a pilot pilot a ship in excess of the limits stipulated in his licence.

(14) Notwithstanding the restrictions in sub-regulation (13), the Authority may, at its discretion and having regard to -

- (a) the circumstances; and
- (b) the specification of any ship,

on the request of the Chief Pilot and subject to the pilot's consent, authorise a pilot to pilot ships outside the parameters of his licence.

(15) Such authorisation must be given to the Chief Pilot in writing and signed by the Authority. If such authorisation is

required outside office hours, it will be given by the Authority verbally and confirmed in writing as early as practicable.

(16) The Chief Pilot shall inform and authorise the pilot concerned and shall give such pilot a copy of the authorisation referred to in sub-regulation (15) as soon as practicable.

(17) The Chief Pilot shall be guilty of an offence under these regulations if he instructs a pilot to pilot a ship outside the parameters of his licence without the required authorisation in accordance with sub-regulations (14) and (15).

Failure to perform regular pilotage services.
Amended by:
L.N. 367 of 2009.

14. (1) A licensed pilot who fails to perform regular pilotage services for a period of twelve months shall have his licence revoked by the Authority unless this failure is due to medical reasons or other circumstances acceptable to the Authority.

(2) Such pilot shall have a right of appeal in terms of regulation 8(5).

(3) The Authority may, in agreement with the service provider, exempt the Chief Pilot from providing regular pilotage services if his services are required elsewhere in connection with pilotage technical matters.

Recruitment of pilots.

15. (1) When there is a vacancy for pilots, the service provider must notify the Authority; the Authority shall publish a notice to that effect and shall request the Board to organise the holding of examinations in accordance with regulation 10.

(2) If the vacancy is due to retirement the service provider shall inform the Authority at least six months before so that the Authority can initiate the recruitment process.

(3) The panel of examiners appointed by the Board by virtue of regulation 10(1)(b) shall submit the results of the examination held in terms of these regulations to the Board and shall show the order of merit obtained by all candidates.

Medical examination and age limit.
Amended by:
L.N. 367 of 2009.

16. (1) The Authority shall appoint a Medical Board to examine whether a pilot is physically and mentally fit for the proper discharge of his duties and in any case when a pilot attains forty years of age and thereafter at the end of every fifth year.

(2) If the Medical Board under subregulation (1) certifies that the pilot is no longer fit to carry out his duties, the Authority shall revoke the licence.

(3) A licence issued under these regulations shall be automatically withdrawn on the day that the licensee reaches the statutory pension age:

Provided that the Authority may, in accordance with the pilotage agreement, extend the validity of such licence if on medical examination the licensee is found to be physically and mentally fit to serve as a pilot by a Medical Board appointed by the Authority.

(4) In this regulation, "statutory pension age" means that age at which a person becomes eligible to receive a mandatory social security retirement pension in terms of the Social Security Act.

Cap. 318.

16A. (1) The liability for civil damages of the service provider for any loss or damage, including death and personal injury, resulting from any cause during the performance of the pilotage service, shall not exceed the sum of ten thousand euro (€10,000) in respect of any one service and the cost of the pilotage dues in respect of the service during which the liability arose.

Limitation of civil liability for pilotage services.
Added by:
L.N. 367 of 2009.

(2) The liability for civil damages of a licensed pilot, whether on board a ship or elsewhere, for any loss or damage, including death and personal injury, resulting from any cause during the performance of his duties, shall not exceed the sum of one thousand euro (€1,000) in respect of any one voyage and the cost of the pilotage dues in respect of the voyage during which the liability arose.

(3) Where, without any act or omission by the Authority, any loss of life or personal injury, or loss or damage to any ship, or to any property on board any ship or to any property or rights of any kind, is caused by a licensed pilot, the Authority shall not be liable to damages beyond the amount of ten thousand euro (€10,000).

(4) The limit of liability under this regulation shall apply to the whole of any losses and damages, which may arise upon any one distinct occasion although such losses and damages may be sustained by more than one person.

(5) The grant or renewal of a licence to a pilot or the conclusion of a pilotage agreement with the service provider by the Authority, in accordance with the provisions of the Act and these regulations, shall not place or imply any liability on the Authority or the Government of Malta for any loss or damage occasioned by an act or default of any pilot or the service provider, whether the employment of a pilot is compulsory or not.

16B. A pilot may require the master of any ship which he is piloting to declare her draught of water, length and beam, and such other information as may be required for the safe piloting of the ship, and the master shall comply with any such request.

Declaration as to draught of ship.
Added by:
L.N. 367 of 2009.

16C. Every pilot, when acting as such, shall be provided with his licence and shall, if so requested, produce it to the master of the ship he pilots.

Pilot to produce licence.
Added by:
L.N. 367 of 2009.

16D. Notwithstanding anything contained in any law, the owner or master of a ship navigating under the circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if pilotage were not compulsory:

Liability of owner or master.
Added by:
L.N. 367 of 2009.

Provided that the owner or master shall be responsible for any damage incurred to the pilot launch during the pilot transfer.

Duties of the
service provider.
Amended by:
L.N. 19 of 2008;
L.N. 367 of 2009.

- 17.** It shall be the duty of the service provider to:
- (a) conduct the administration of the pilotage service;
 - (b) make an equitable distribution of the pilotage load amongst the pilots;
 - (c) distribute the watches amongst the pilots in accordance with the pilotage agreement;
 - (d) keep general discipline and good order amongst the pilots;
 - (e) provide the Authority with such statistical information as it may require, including, but not limited to, timely compilation of data relating to pilotage movements and operation of pilot launches, attendance and absenteeism of pilots and annual audited accounts of the service provider and any subsidiary or affiliate undertakings, or other entities over which the service provider has effective control;
 - (f) ensure that equipment used by the pilots is at all times available and in good working order;
 - (g) take steps to acquire alternative equipment as may be necessary;
 - (h) liaise with the Authority on pilotage matters and submit any reports as may be requested by such Authority;
 - (i) administer the pilots' office or offices;
 - (j) perform pilotage duties as specified in the pilotage agreement and these regulations, and other duties which may arise from time to time in connection with the provision of pilotage services;
 - (k) recommend measures to the Authority to further enhance the pilotage service;
 - (l) provide the Authority with the identity of the member or members having the judicial representation of the service provider.

Chief Pilot.
Amended by:
L.N. 367 of 2009;
XXI of 2020.

18. (1) One of the licensed pilots shall be a Chief Pilot, who shall be assisted by a Deputy Chief Pilot, both of whom shall be Class 1 pilots.

(2) The serving pilots shall, following an election, nominate from amongst the Class 1 Pilots a candidate for the position of Chief Pilot. The candidate so nominated shall be appointed by the Authority on advice of the Board.

(3) The Deputy Chief Pilot shall be chosen by the pilots on the basis of an election.

(4) If the serving pilots fail to nominate a pilot for the post of Chief Pilot within one month from the vacancy of the post of Chief Pilot, the Board may itself make such nomination to the Authority.

(5) The Chief Pilot and the Deputy Chief Pilot shall hold such office for a period of three years, which may be renewed following

the procedure mentioned above.

(6) The Authority may remove the Chief Pilot if he is no longer suitable to hold such office.

(7) For the purposes of subregulation (6), the grounds on which the Chief Pilot shall be deemed to be no longer suitable to hold such office shall include:

- (a) if for any reason whatsoever his licence is revoked or suspended;
- (b) if he is no longer capable of performing his duties under these regulations and, or the agreement;
- (c) if he has been found guilty of misconduct or any other disciplinary breach by the Disciplinary Committee in accordance with these regulations;
- (d) if a vote of two-thirds of all serving pilots is taken in favour of his removal from the position of Chief Pilot.

(8) The Chief Pilot shall at all times liaise with the pilots and with the Authority.

(9) It shall be the duty of the Chief Pilot to:

- (a) keep good order and discipline amongst the duty pilots;
- (b) be a reference point for the Authority in respect of technical matters relating to the pilotage service;
- (c) liaise with the Authority on pilotage matters and submit any reports as may be requested by such Authority;
- (d) comply with any reasonable directive given to him by the Authority in connection with the provision of pilotage services;
- (e) perform any other duties required of him under these regulations.

(10) The Deputy Chief Pilot shall assume the duties of the Chief Pilot during such time as the Chief Pilot is absent from his duties and if the situation so arises, until such time as another Chief Pilot is nominated and appointed.

Pilotage Procedure

19. (1) The request for the attendance of a pilot or pilots aboard a ship shall be made by the ship's master or ship's agent to the Authority in accordance with directives issued by the Authority from time to time and in accordance with the pilotage agreement.

Request for the attendance of a pilot.
Amended by:
L.N. 367 of 2009.

(2) Should a ship require a pilot or other related service at short notice, she shall make the appropriate signals as prescribed in the I.M.O. International Code of Signals.

20. (1) Every master shall ensure that the procedure for boarding and disembarking from ships is in accordance with SOLAS Regulation V/23 (Pilot Transfer Arrangements).

Master's duties.
Amended by:
L.N. 19 of 2008;
L.N. 367 of 2009.

(2) The pilot may request the master of a ship which he is piloting to declare to him the particulars of the ship's draft, state of readiness of engines and navigational aids, and other information relating to the ship as the pilot specifies and is reasonably necessary to enable the pilot to carry out his duties as the pilot of the ship.

(3) The master shall also bring to the notice of the pilot any defects in, and any matter peculiar to the ship, her machinery and equipment, of which the master is aware and which might materially affect the navigation of the ship.

(4) Every master of a ship shall provide a lee and reduce sufficiently the speed of his ship when the pilot launch is approaching.

Display of pilot flag.

21. No ship shall hoist or display a pilot flag indicating that a pilot is on board unless such ship -

- (a) is a pilot launch on duty, or
- (b) is being piloted by a pilot licensed according to these regulations.

Movement of ships.
*Substituted by:
L.N. 367 of 2009.*

22. A pilot shall not berth or shift any ship from her berth without the approval of the Authority.

Pilots to control mooring men.

23. Subject to the provisions of any other laws or regulations, a pilot shall, when assigned to an operation, be deemed to have full control over mooring men and pilot launch crew assigned with him to that operation.

Service provider of pilot launches.
*Substituted by:
L.N. 19 of 2008.*

24. (1) The service provider shall be the owner of the pilot launches and shall be responsible for the management and operation of the pilot launches as provided for in the pilotage agreement.

(2) A pilot, when assigned to an operation, is deemed to have full control over the pilot launch.

Code of Conduct.

25. When providing pilotage services, each pilot shall implement a high standard of care and skill as established by the Code of Conduct referred to in regulation 6(2).

Certificate of pilotage services.
*Amended by:
L.N. 19 of 2008;
L.N. 367 of 2009.*

26. (1) The pilot shall complete a certificate of pilotage service outlining the pilotage service he has rendered, to be signed by the ship's master in respect of each service he performs:

Provided that in exceptional circumstances, if such certificate is for any justified reason not available, the Chief Pilot or the Deputy Chief Pilot may sign the Pilotage Certificate.

(2) The format and contents of such certificate shall be agreed to by the Authority and the service provider.

Liaison with Chief Pilot and the Authority.
*Amended by:
L.N. 367 of 2009.*

27. (1) When providing pilotage services the pilot shall liaise as required with the Authority in order to record the proceedings of the said service.

(2) Whenever a duty pilot perceives or encounters any

difficulties in the provision of the services, he shall immediately communicate this to the Chief Pilot who if necessary shall liaise with, or seek the direction of the Authority.

(3) It shall also be the duty of the pilot to draw to the attention of the Chief Pilot, who shall in turn inform the Authority, any deficiencies on ships piloted, or any other occurrence that may affect the safe manoeuvre of the ship or the safety of personnel.

(4) Pilots shall immediately report to the Chief Pilot and the Authority any environmental concerns, navigational hazards or defects in navigational aids.

(5) It shall be the duty of the Authority to ensure the safe and efficient use of ports, their approaches and allocated berths.

(6) The pilot shall, however, be obliged to follow the written instructions of the Authority received prior to boarding the ship, even if such instructions may appear to conflict with already existing available printed data:

Provided that in an emergency such written instructions may be dispensed with.

28. (1) A pilot shall immediately report to the Chief Pilot and the Authority any accident involving the ship which he is serving, particularly any incidents or accidents that may have resulted in damage to port facilities and, or third parties.

Reports of
accidents.
Amended by:
L.N. 367 of 2009.

(2) A pilot shall also immediately report to the Chief Pilot and the Authority any near misses or any concerns in respect to navigation as expressed by the master or pilot whilst piloting a ship.

(3) Such notification shall be followed by a formal written report which shall reach the Chief Pilot and the Authority not later than twenty four hours after the occurrence of such incident or accident.

(4) The report mentioned in this regulation shall not be made available to any person without the approval of the service provider and, or the Authority and, or by order of a competent court.

(5) Notwithstanding any proceedings which may be taken under any law, the Authority may take disciplinary action against any pilot who fails to comply with the provisions of this regulation.

29. (1) A pilot shall embark ships at the pilot boarding station as established by the Authority; and disembark at a position as agreed to between the pilot and the ship's master, or at a position as directed by the Authority.

Boarding and
disembarking from
ships.
Amended by:
L.N. 367 of 2009.

(2) The Authority may authorize a pilot to board or disembark from a ship inside the port if the weather is such as to preclude the pilot launch from safely transferring a pilot outside such port.

(3) A pilot who does not comply with the provisions of subregulation (1) shall explain his actions to the Authority within two working days, and if the Authority is not satisfied with such explanation, it may take disciplinary action against the pilot

concerned.

Shore based
pilotage.
Amended by:
L.N. 367 of 2009.

30. (1) Subject to the following criteria the Authority may provide shore based pilotage:

- (a) the shore based pilotage service shall be provided only in areas as established by the Authority;
- (b) the shore based pilotage service shall be rendered by the service provider through its licensed pilots for the purpose of -
 - (i) piloting ships to the pilot launch; and, or
 - (ii) piloting ships when pilots cannot embark or disembark at sea.

(2) Shore based pilotage shall only be provided when:

- (a) required and accepted by the master of the ship and allowed by the Authority; and
- (b) the pilot rendering the shore based pilotage considers it possible.

(3) Masters of ships employing shore based pilotage shall be obliged to accept a pilot as soon as embarkation is possible.

(4) The Authority in consultation with the service provider shall establish the norms under which such service shall be rendered.

Pilot Exemption
Certificates.
Substituted by:
L.N. 19 of 2008.

31. The Authority shall in its discretion issue Pilot Exemption Certificates to Masters of ships who regularly call at the ports in accordance with established criteria, provided that the Authority shall reach agreement with the service provider about the level of compensation, if any, for loss of revenue.

Pilotage Tariffs and Remuneration

Administration of
pilotage tariffs.

32. The administration, collection and recovery of the pilotage tariff and the disbursements of this tariff shall be the responsibility of the Authority.

Pilots'
remuneration.

33. Subject to the provisions of these regulations, the service provider shall be remunerated for pilotage services and for work connected thereto in accordance with the pilotage agreement.

Tariffs.
Amended by:
L.N. 367 of 2009;
L.N. 301 of 2012.
Cap. 318.

34. (1) Pilotage tariffs shall be those in the Schedule.

(2) The social security contributions payable by an employed person and an employer in accordance with the provisions of the Social Security Act shall be deemed to form part of the tariff.

(3) Pilotage tariffs shall be paid directly to the Authority within a period of eight days by:

- (a) the owner, charterer, master or agent of a ship in respect of which pilotage services were performed; or
- (b) by the person who requests pilotage services in respect of a ship.

(4) Interest shall accrue on any overdue pilotage tariff and, or any other payments payable to the Authority under these

regulations from the date of presentation of the invoice until full payment is effected at the rate of two *per centum* per month or part thereof.

35. (1) The Authority may require any person who in terms of regulation 34(3) is bound to pay the pilotage tariff, to make a deposit, or to furnish a bank guarantee issued by a local bank in favour of the Authority in such amount as the Authority considers sufficient to cover payment of such tariff.

Deposit or bank guarantee.
Amended by:
L.N. 425 of 2007;
L.N. 367 of 2009.

(2) The Authority may recover any pilotage tariff out of such deposit or bank guarantee if such tariff is not paid within eight working days from the day on which payment is demanded.

(3) Whenever the Authority takes such measure it shall promptly give the person who has made the deposit or furnished the guarantee an account of such payments recovered therefrom.

(4) If the person so directed to make such deposits contravenes the provisions of this regulation he shall be liable to the payment of a penalty not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87).

36. The Authority shall remit to the service provider the pilotage fee established in accordance with these regulations and the pilotage agreement.

Remittance of proceeds to service provider.

37. (1) No pilot or any of the personnel employed with the service provider shall demand or receive any dues or other remuneration in respect of a standard pilotage service other than those specified in the pilotage agreement and these regulations.

Over-charging and over-payment.
Amended by:
L.N. 425 of 2007;
L.N. 19 of 2008.

(2) Any pilot who contravenes the provisions of subregulation (1) shall be liable for each such contravention to a disciplinary penalty not exceeding two hundred and thirty-two euro and ninety-four cents (232.94).

(3) No person shall pay a pilot any dues or remuneration in respect of pilotage services other than those specified in the pilotage agreement.

(4) Any person who contravenes the provisions of subregulation (3) shall be guilty of an offence and on conviction shall be liable to a fine (*multa*).

38. (1) There is hereby established a board, to be called the Pilotage Board, hereinafter referred to as the Board, which shall exercise and perform the functions assigned to it by these regulations.

Pilotage Board.
Substituted by:
L.N. 367 of 2009.

(2) The Board shall consist of the following members:

- (a) a Chairman appointed by the Minister;
- (b) a member nominated by the Authority;
- (c) a member nominated by the service provider; and
- (d) a secretary with no voting powers to be appointed by the Minister.

(3) The Board shall exercise and perform the following

functions:

- (a) to conduct examinations in connection with the licensing of prospective pilots and to advise the Authority accordingly;
- (b) to appoint panels of examiners for the purpose of the examinations aforesaid;
- (c) to conduct disciplinary proceedings in respect of pilots in accordance with the provisions of these regulations;
- (d) to recommend to the Authority the award to pilots guilty of any breach of discipline such punishments as may from time to time be prescribed;
- (e) to advise the Authority on any matter that the said Authority may refer to it from time to time in connection with pilotage services; and
- (f) to perform such other functions as may be prescribed to it from time to time.

(4) The quorum of the Board shall consist of the Chairman and two members.

(5) The Board shall reach its decisions by means of a majority vote.

(6) The Board shall meet as required at such date, time and place as the Chairman may appoint.

(7) Subject to the provisions of these regulations, the Board may otherwise regulate its own procedures.

Discipline.
Added by:
L.N. 367 of 2009.

38A. Disciplinary proceeding amongst pilots and trainee pilots shall be administered by the Board in accordance with regulation 38:

Provided that in cases of breach of a pilot's obligations under the Code of Conduct, the Authority shall have the right to temporarily suspend a pilot's licence pending disciplinary action by the Board:

Provided further that if the Authority takes the action contemplated in the above proviso and suspends a pilot, and the eventual decision of the Board is such as to find the suspension unjustified, the Authority shall pay to the pilot the earnings he would have been entitled to during such period and would have lost as a result of such suspension.

Disciplinary
Committee.
Amended by:
L.N. 367 of 2009.

39. (1) The Board shall appoint a Disciplinary Committee from outside the membership of the Board, one of whom shall be the Chairman of the Committee.

(2) It shall be the duty of the Disciplinary Committee to:

- (a) investigate cases brought before it by the Authority;
- (b) summon witnesses;
- (c) appoint experts to assist when necessary;
- (d) hear evidence on oath;

- (e) make recommendations to the Board on the cases investigated by it.

(3) In the exercise of the powers in accordance with subregulation (2)(b) to (d), the Disciplinary Committee shall have the powers which are conferred by law on the First Hall of the Civil Court.

(4) Provided that:

- (a) the Disciplinary Committee shall not be enabled to order the detention of any person; and
- (b) the duties of the court marshal and the court usher shall be performed by members of the Executive Police detailed for the purpose by the Commissioner of Police.

(5) The Chairman of the Disciplinary Committee shall sign the summons and administer oaths to witnesses.

(6) The Disciplinary Committee shall conduct all disciplinary proceedings in accordance with the provisions of these regulations.

40. The Board shall consider the recommendations of the Disciplinary Committee and shall thereafter take such disciplinary decision in accordance with the provisions of these regulations.

Board to consider recommendations.

41. (*Deleted by L.N. 367 of 2009*).

Proceedings of the Board.

42. The decisions of the Board shall be final and binding.

Decisions to be binding.

43. (1) The Authority shall institute disciplinary proceedings against any pilot who has contravened any provisions of these regulations or who in the course of, or in connection with his duties is negligent, or has carried out his duties in an inappropriate manner or has acted inappropriately when on duty or fails to comply with any reasonable directive given by the Authority.

Disciplinary proceedings.
*Amended by:
L.N. 367 of 2009.*

(2) Such proceedings shall be instituted by the Authority within twenty-one days from the date on which the Authority becomes aware of the act or omission which has given rise to such disciplinary action:

Provided that in the case of an offence resulting from the award of a Court of Inquiry convened in terms of the Merchant Shipping Act, or in the case of an offence in respect of which criminal proceedings have been instituted, the Authority shall be deemed to have become aware of such offence on the date on which the Court gives its award or judgment as the case may be.

Cap. 234.

44. The Authority shall, within the time specified in regulation 43(2), communicate to the pilot concerned a detailed statement in writing clearly specifying the charge or charges against him, and setting out the particulars of the evidence relied upon to support such charge or charges.

Charges proffered.
*Amended by:
L.N. 367 of 2009.*

45. In making a charge the Authority shall demand a written explanation from the pilot concerned within fifteen days from the date on which such charge is communicated to such pilot. In default

Prior explanation.
*Amended by:
L.N. 367 of 2009.*

	of such written explanation the charge shall be deemed to have been admitted and the Authority shall refer the matter to the Board for its decision without the need for the Board to appoint a Disciplinary Committee.
Notification of pilot. <i>Amended by:</i> <i>L.N. 367 of 2009.</i>	46. The Authority shall notify the pilot concerned of the charge made against him either by having such charge delivered to him personally or by sending it to him by registered post.
Oral submissions.	47. In replying to a charge, the pilot concerned may reserve the right to make oral submissions to the Disciplinary Committee.
Acknowledgement in writing. <i>Substituted by:</i> <i>L.N. 367 of 2009.</i>	48. The Authority shall acknowledge in writing the receipt of such reply and shall indicate the date on which it is received by it.
Reference of matter to Board. <i>Substituted by:</i> <i>L.N. 367 of 2009.</i>	49. If the Authority decides to refer the matter to the Board, it must refer such matter to the Board within fifteen days from the receipt of the pilot's reply or from the day when the pilot should have submitted the reply.
Time for hearing and concluding disciplinary proceedings. <i>Amended by:</i> <i>L.N. 367 of 2009.</i>	50. The Board shall, within fifteen days from receipt of the letter from the Authority containing the complaint against the pilot, nominate a Disciplinary Committee to hear and investigate the complaint.
Commencement of hearing. <i>Amended by:</i> <i>L.N. 367 of 2009.</i>	51. (1) The Disciplinary Committee shall commence the hearing of any case brought before it within fifteen days of its nomination. (2) The hearing of a case is deemed to have commenced when the Disciplinary Committee commences a discussion of the case brought before it. (3) The pilot charged shall be informed of the date of commencement and shall have the right to attend all disciplinary hearings. (4) The Disciplinary Committee shall conclude the hearing of the case and shall make submissions to the Board within sixty days from the commencement of the hearing: Provided that in exceptional circumstances the Board may for valid reasons extend such period by further periods of thirty days after a request from the Chairman of the Disciplinary Committee.
Pilot assisted by another person.	52. (1) When replying to a charge or when appearing before the Disciplinary Committee, the pilot against whom disciplinary proceedings are being taken may be assisted by a person of his choice. (2) Such pilot may request the Disciplinary Committee to summon witnesses in his defence and the Disciplinary Committee shall duly summon such witnesses, and he or the person assisting him may cross-examine such witnesses.
Notice of hearing. <i>Amended by:</i> <i>L.N. 367 of 2009.</i>	53. (1) The Disciplinary Committee shall notify the pilot against whom disciplinary proceedings are being taken and shall summon any witnesses to appear before it on the day, time and

place fixed for the hearing of such proceedings.

(2) Such notification or summons shall be signed by the Chairman of the Disciplinary Committee and shall be delivered personally to the pilot or to the witness as the case may be, or sent by registered post; in so doing, the Chairman of the Committee is to ensure that sufficient time is allowed for those concerned to receive the said notifications or summons in time.

54. If the pilot against whom disciplinary proceedings are being taken under the provisions of these regulations fails to appear before the Disciplinary Committee within sixty minutes from the time fixed for the hearing, the Disciplinary Committee shall proceed in his absence and give its report accordingly:

Proceedings in absentia.

Provided that if the pilot within two days after the day fixed for the hearing of his case justifies his absence to the satisfaction of the Disciplinary Committee, the Disciplinary Committee may hear the submissions of the pilot and the evidence of his witnesses before submitting its report.

55. Whenever the Authority, or the Board, or the Disciplinary Committee, as the case may, be sends any communication, notification or summons by registered letter through the postal service, it shall be sufficient proof of service of such letter for all effects and purposes of these regulations if the registered letter has been properly addressed and posted.

*Proof of service.
Amended by:
L.N. 367 of 2009.*

56. (1) If a pilot is found guilty of having contravened any one of the provisions of these regulations, or if in the course of or in connection with his duties is found to have been negligent or of having carried out his duties in an inappropriate manner or of having acted inappropriately when on duty or of having failed to comply with the directives given by the Authority, the Board, after taking into consideration the report and recommendations of the Disciplinary Committee may, without prejudice to the provisions of any other law:

*Penalties.
Amended by:
L.N. 425 of 2007;
L.N. 367 of 2009.*

- (a) impose a disciplinary penalty or fine against such pilot of a sum not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69); and, or
- (b) suspend his licence for a period of not less than ten days and not exceeding six months during which time no remuneration shall be paid to or received by such pilot; or
- (c) revoke his licence forthwith.

(2) Any disciplinary penalty or fine inflicted by the Board as a result of disciplinary proceedings shall be recoverable by the Attorney General as a civil debt due to the Government.

57. Any disciplinary proceedings taken against a pilot under the provisions of these regulations shall be without prejudice to any criminal proceedings under any other law and any proceedings taken under any other such law shall be without prejudice to any such disciplinary proceedings.

Criminal proceedings.

Repeal and saving
Amended by:
L.N. 19 of 2008;
L.N. 35 of 2008;
XV. 2009.49;
L.N. 99 of 2010.
S.L. 499.03

58. (1) Subject to the provisions of subregulation (2), the Pilotage and Mooring Regulations, as subsequently amended, are hereby repealed.

(2) Notwithstanding the provisions of subregulation (1), a pilot's licence granted by the Authority before the coming into force of these regulations shall continue to be valid in accordance with its terms and shall be deemed to be a licence granted by the Authority under regulation 7.

(3) Any proceeds in the Pilot Launch Replacement Fund and the Pilot Launch Maintenance and Repair Fund, on the day of the coming into force of these regulations, shall remain in these Funds until such time as the Minister determines how they are to be disposed of.

SCHEDULE
Regulation 34

Substituted by:
L.N. 425 of 2007;
L.N. 19 of 2008.
Amended by:
L.N. 367 of 2009;
XV. 2009.49.
Substituted by:
L.N. 494 of 2011.
Amended by:
L.N. 201 of 2015;
L.N. 120 of 2016;
L.N. 334 of 2019.

Pilotage Tariff

1. For the purpose of this Schedule:

"beam" (B) means the maximum width in metres from the outermost side of any fixed permanent structure to the other outermost side of any fixed permanent structure of the ship;

"disabled ship" means any ship which arrives off Malta on tow or with engine breakdown or with rudder trouble or other defect which affects the capability of the ship when manoeuvring while pilotage services are being provided;

"extraordinary services" are services provided to ships which go beyond the normal duty of the pilot;

"Fuel Price Adjustment" is the amount of money to be increased or decreased to the tariff depending on the variation of the price of fuel as agreed to in the pilotage agreement;

"length overall (LOA)" means the overall length in metres from foreside of the foremost fixed permanent structure to the aftside of the aftermost fixed permanent structure of the ship;

"maximum draft" (Max D) means the maximum draft in metres that the ship can submerge when fully laden;

"oil tanker" means a ship which complies with the definition of the International Convention for the Prevention of Pollution from Ships (MARPOL) 1973, and Protocol of 1978, as amended;

"ton" means the gross registered tonnage of a ship determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships, 1969:

Provided that if a ship has more than one gross tonnage, then the higher or highest of such gross tonnages shall be the gross tonnage for the purpose of calculating this tariff:

Provided further that in respect of ships with particular characteristics and parameters (such as an oil rig, a barge, etc.) the "Gross Tonnage" for the purpose of calculating the pilotage tariff shall be in accordance with the following formula:

$$GT = LOA \times B \times \text{Max D.}$$

Where: $\text{Max D} = \text{not less than } 0.2\sqrt{LOA \times B}$

2. The Pilotage dues at the Standard Rate (SR) for pilotage services shall be as follows:

(a) Ships not exceeding 500 tons	€196
(b) Ships exceeding 500 tons and not exceeding 1,000 tons	€209
(c) Ships exceeding 1,000 tons and not exceeding 2,000 tons	€221
(d) Ships exceeding 2,000 tons and not exceeding 3,500 tons.....	€232
(e) Ships exceeding 3,500 tons and not exceeding 5,000 tons	€245
(f) Ships exceeding 5,000 tons and not exceeding 7,000 tons	€258
(g) Ships exceeding 7,000 tons and not exceeding 10,000 tons	€269
(h) Ships exceeding 10,000 tons and not exceeding 15,000 tons	€281
(i) Ships exceeding 15,000 tons and not exceeding 20,000 tons	€294
(j) Ships exceeding 20,000 tons and not exceeding 25,000 tons	€307
(k) Ships exceeding 25,000 tons and not exceeding 30,000 tons	€318
(l) Ships exceeding 30,000 tons and not exceeding 40,000 tons	€343
(m) For every additional 10,000 tons or part thereof in excess of 40,000 tons	€55

3. Pilotage dues at the standard rate shall be charged for either:

- (a) entering port; or
- (b) leaving port; or
- (c) shifting berth under own power ("hot move") in the same port.

4. Charges additional to pilotage dues at the standard rate shall be made as follows:

(a) Sundays	20% SR
(b) Night shift between 1900 hrs and 0700 hrs	15% SR
(c) On National and Public Holidays, and on the 24th December from 1800 hrs to 2400 hrs and on the 31st December from 1800 hrs to 2400 hrs	20% SR.

5. Additional charges additional to the Standard Rates shall be made as follows:

(a) shifting berth not under own power ("cold move") in the same port	25% SR
(b) shifting berth not under own power ("cold move") from one port to another	100% SR

6. In respect of disabled ships, there shall be payable the following charges per pilot €60.
7. Ships required to berth alongside another ship the following additional charge to the Standard Rate shall apply 100% SR
8. For any of the following services:
- (a) making contact with a ship outside a port when the ship is not to enter that port, example anchorage, compass calibration, etc.; or
 - (b) pilotage service rendered outside a port, including pilotage from outside the entrance of one port to another,
- there shall be charged the Standard Rate.
9. For the purpose of calculating the pilotage dues, the services of the pilot shall be considered to commence thirty minutes before boarding the ship and thirty minutes after disembarking from the ship.
10. When a pilot is detained for a period of more than two hours during the performance of his services, or is left in quarantine, an additional charge to the Standard Rate is applicable for each following hour or part thereof €15.
11. The request for the attendance of a pilot or pilots aboard a ship has to be made with a minimum of one hour notice before the ETA (Estimated Time of Arrival) or before the ETS (Estimated Time of Sailing) or the Estimated Time of Shifting.
12. When a cancellation for a request for a pilotage service is made, the following applies:
- (a) when a cancellation notice is made prior to one hour before commencement of operation No charge
 - (b) when a cancellation notice is made within the one hour immediately preceding the commencement of the operation 70% SR
13. For shifting or for an outbound ship the following additional charges shall apply:
- (a) if the pilot boards the ship and the sailing or shifting is cancelled or suspended 70% SR
The operation is considered cancelled or suspended if the ship is not ready for shifting or sailing within thirty minutes from the boarding time.
 - (b) if the pilot remains on board the ship for more than thirty minutes, an additional charge applies for every thirty minutes or part thereof till the manoeuvre commences 35% SR
14. If an incoming ship arrives at the pilot station with a delay of more than thirty minutes or part thereof from the ETA, the following additional charge applies: 35% SR
15. If a pilot boards an incoming ship and,
- (a) for any reason the manoeuvre does not commence within thirty minutes the following additional charge applies: 70% SR

- (b) if the pilot remains on board, for every thirty minutes or part thereof until the manoeuvre commences the following additional charge applies: 35% SR

16. For the purposes of calculating the pilotage dues the boarding and disembarking station of the pilot disembarking stations of pilots shall be as follows:

- (a) for Grand Harbour, close to Valletta Fairway Buoy as agreed between the service provider and the Authority;
- (b) for Marsaxlokk, as agreed between the service provider and the Authority close to Marsaxlokk; and
- (c) for Gozo, as in 16(a) above, same as for Grand Harbour.

17. For other boarding and disembarking stations of the pilot around Malta and Gozo, any extra charges shall be as agreed between the service provider and the Authority.

18. (a) All ships of 240 meters LOA and over, entering, leaving or shifting in Grand Harbour, are to employ two pilots with the exception of cruise liners.

(b) All ships of 300 meters LOA and over are to employ two pilots:

Provided that when it is necessary to employ more than one pilot for any ship, as stipulated in sub-paragraphs (a) and (b), and in the case of ships with particular configuration and special needs, the pilotage dues payable by the ship will be commensurate with the number of pilots providing the service.

19. When a pilot or pilots are compelled to proceed abroad with a ship they shall be provided with board and lodging at a standard not less than that of an officer on board, and not less than a first class accommodation and travel when put ashore for repatriation. Apart from all travelling and other expenses as the case may be, a rate of 300 euro per pilot per day or part thereof shall be payable to the service provider by the ship until the pilot or pilots return to Malta.

20. When so directed by the Authority the pilot launch service to moor or unmoor ships to the buoys such as Marsaxlokk Dolphins, 31st March, Gas Terminal, San Lucian, and other similar moorings, or to take a mooring rope ashore, the relative charge shall be that established by the Authority in agreement with the service provider.

21. In the eventuality that following the request for a pilotage service, the service provider reaches the conclusion that he may be entitled to present a claim for salvage and, or extraordinary service, the service provider must present the ship and/or its representatives with a formal written notice in writing containing the claim as soon as practicable.

22. For any other particular pilotage service not otherwise specifically provided for in this Schedule, the dues payable shall be determined by the Authority which shall, as far as possible, assimilate them with the appropriate dues specified in this Schedule.

23. The "Fuel Price Adjustment" shall be added to or subtracted from, as applicable, the Pilotage Tariff and shall be applied from the time that changes in the official price of fuel are published by the appointed Government agency/authority.

24. Persons bound to pay pilotage dues in accordance with the provisions of these regulations shall also pay to the Authority an administrative charge of 5% on the total pilotage dues as established in this Schedule.

